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ASSESSMENT AND IDENTIFICATION OF IMPROVEMENTS TO THE JUDICIAL CORPORATE MANAGEMENT MODEL FOR CASES OF OFFICIALS' CORRUPTION

FEBRUARY 2014

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1. INTRODUCTION:

1.1. BACKGROUND:

With the Criminal Procedure Code which was implemented progressively in the country since July 2006, the justice system has made significant progress in procedural speed and transparency. Compared with the Code of Criminal Procedure of 1940, with the new procedural legislation, the average duration of conflicts has fallen, and through alternative solutions, cases may conclude early without having to go through all the procedural steps. Furthermore, the principle of orality, materialized in the hearings - especially the oral trial - promotes greater transparency in judicial decisions.

From the standing point of management, one of the most remarkable aspects of the criminal procedure reform is the implementation of the corporate office model in the Judiciary. This model has contributed to a more efficient use of resources of the institution, as each judge has no administrative staff assigned to his court, as previously, but now, in a more rational scheme, support areas are concentrated on the supervision of an administrator and provide common services to the courts that make up a module. A key benefit of the corporate legal office is that the judges, freed from administrative tasks and supervising staff can now concentrate on their judicial function.

However, a current challenge of the criminal¹ justice system is the resolution of complex crimes, among which are those of corrupt officials. In these cases, the speed is lower than in ordinary crimes and there are difficulties to advance the procedural steps to resolution. In part this is the result of the functioning of the justice system as a whole; therefore, part of the solution depends on an improvement in the system. It is also necessary to identify to what extent each institution of the system can contribute to the solution. An issue to consider is that while judges have been trained in the oral model, they have not received specialized training in corruption of officials. Other matters to consider are the areas for improvement in the management of corporate legal office, such as programming and management of hearings, the implementation of standards of cases resolved, the production of statistical information on certain process variables, among others.

In response to this situation, Objective 1 of the Pro-Integridad Project, sponsored and funded by the United States Agency for International Development - USAID, is to help increase the capacity of the judiciary to resolve cases of corruption in Lima, Callao and the judicial districts of the Peruvian Amazon.² Specifically, result 1.1. of the project is capacity building of judges and support staff in target judicial districts to prosecute corruption cases.

A line of action for Objective 1 of the project is the improvement of the management model of corporate judicial office, followed by a specialized training for judges in target zones on official corruption. This paper addresses the management model of corporate judicial office³, for which the Project's technical team carried out an assessment in December 2013 and January 2014, and identified areas for improvement in coordination with the judiciary.

1.2. OBJECTIVE OF THE REPORT:

The objective of this report is to show the need to strengthen the management of the corporate judicial office to resolve cases of corruption with the Criminal Procedure Code and identify improvement areas.

¹ The criminal justice system includes the Judicial Branch, the Public Ministry, the Public Defense and the Peruvian National Police.

² Pro-Integridad's geographic focus is that of USAID's cooperation zones.

³ The training needs for judges in target zones will be covered through the Diploma Course Specialized in Official Corruption Crimes, to be dictated by the Institute for Democracy and Human Rights of the Pontifical Catholic University of Peru – IDEHPUCP.